

**REMARKS**

This Amendment is responsive to the Office Action mailed on August 24, 2005. Claims 1-7, 9, 11-14, 20 are amended. Claims 1-32 are pending.

The Examiner has indicated that claims 20-28 contain allowable subject matter.

The Examiner has requested a translation of JP 58-133139. An English language translation of this Japanese reference is submitted herewith.

Claims 1-31 have been rejected as being indefinite. The claims are amended herein to overcome the indefiniteness rejection. Withdrawal of this rejection is respectfully requested.

Claims 1, 3-7, 9, 11-14 and 29-32 are rejected under 35 U.S.C. § 102(b) as being anticipated by Toshihiko (JP 58-133139).

Claims 8, 10, and 15-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Toshihiko in view of Klingler (US 5,747,903).

Claims 17-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Toshihiko in view of Irie (JP 403139138).

Applicant notes that the Examiner did not raise a prior art rejection with respect to Applicant's claim 2.

Applicant respectfully traverses these rejections in view of the amended claims and the following comments.

**Discussion of Amended Claims**

Claim 1 is amended to overcome the Examiner's rejections under 35 U.S.C. § 112. Claim 1 is also amended to clarify the claim language. In addition, claim 1 is amended to include the subject matter of claim 7. Claim 7 is amended to depend from claim 20.

Claim 20, which the Examiner indicated contains allowable subject matter, is amended into independent form by the inclusion of the subject matter of claim 1. Applicant respectfully submits that claims 20-28 are in condition for immediate allowance.

Claims 2-7, and 11-14 are amended to overcome the Examiner's rejection under 35

U.S.C. § 112, withdrawal of which is respectfully requested.

Claim 9 is amended to depend from claim 8 in order to correct a potential antecedent basis problem in the claim as written.

#### Discussion of Toshihiko

Claims 1, 3-7, 9, 11-14 and 29-32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Toshihiko. This rejection is respectfully traversed. An anticipation rejection requires that each and every element of the claimed invention as set forth in the claim be provided in the cited reference. See *Akamai Technologies Inc. v. Cable & Wireless Internet Services Inc.*, 68 USPQ2d 1186 (CA FC 2003), and cases cited therein. As discussed in detail below, Toshihiko does not meet the requirements for an anticipation rejection.

Toshihiko discloses a motor in which the stator 12 is molded with resin and a plurality of projections 18 are provided in a cylindrical concave part 17 for fitting a bracket 16 of a main body part 11 to which one bearing metal 13 is fitted by a metal presser spring and a metal cover 15. A plurality of spiral grooves are provided in the axial direction of shaft 20, on the outer circumferential surface of the bracket 16 to which the other bearing metal is fitted. The projections 18 of the main body part 11 are matched with the grooves 19 of the bracket 16 so that the former is fitted into the latter. The bracket 16 can be turned in order to be inserted into the concave part 17 of the main body part 11. By varying the turning position of the bracket when it is inserted, the position of the bearings 13 in the direction of thrust can be adjusted (Abstract).

The axially spiral grooves 19 of Toshihiko are provided on an outer peripheral surface of the bracket 16. The spiral grooves 19 cooperate with projections 18 provided on recess 17 of the body 11, so that any change of the rotational position of the bracket 16 is correlated with a variation in the axial distance between the bearings. This change in axial distance is the object of the design of Toshihiko, which was developed to accommodate manufacturing differences in the thickness of shaft washers 21, 22, 23, collar 24, and rotor core 25 when adjusting thrust to a predetermined value, without requiring replacement of the shaft washers with washers of different thicknesses. The bracket 16 is fixed in place by bonding after adjustment of the thrust is

completed (see, e.g., attached English language translation at pages 2 and 3).

Claim 1 is amended herein to include the subject matter of claim 7. Toshihiko discloses the opposite of the subject amended claim 1, which specifies that the connecting elements are adapted such that, in the axial end position, the flange body can be rotated in relation to the housing body without changing the axial end position. In other words, with Applicant's claimed invention, rotation of the flange body does not change the axial end position of the flange body, and therefore the axial distance between the bearings is not changed when the flange body is rotated.

Therefore, for example, with Applicant's claimed invention, the rotational position of magnetic field sensors arranged on the flange body can be adjusted by rotating the flange body, without varying their axial position. Such a result cannot be achieved with the design of Toshihiko, since a rotation of the bracket 16 will result in a change in the axial distance of the bracket 16.

Toshihiko does not disclose or remotely suggest a motor in which a flange body for the second bearing has first connecting elements and the housing body has second connecting elements, where the connecting elements are adapted such that, in the axial end position, the flange body can be rotated in relation to the housing body without changing the axial end position of the flange body, as set forth in Applicant's amended claim 1.

As Toshihiko does not disclose each and every element of the invention as claimed, the rejections under 35 U.S.C. § 102(b) are believed to be improper, and withdrawal of the rejections is respectfully requested. See, *Akamai Technologies Inc.*, *supra*.

Applicants respectfully submit that the present invention is not anticipated by and would not have been obvious to one skilled in the art in view of Toshihiko, taken alone or in combination with any of the other prior art of record.

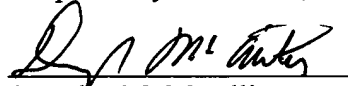
Further remarks regarding the asserted relationship between Applicant's claims and the prior art are not deemed necessary, in view of the foregoing discussion. Applicant's silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Withdrawal of the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) is therefore respectfully requested.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,



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